

### **REMARKS**

The following claims are pending in the application: 1 – 3 and 5 - 15.

The following claims have been amended: 1 and 14.

The following claims have been canceled: 4, and 16-20.

#### **The Rejection of the Claims Under 35 U.S.C. §103(a)**

The Examiner rejected claims 1-3, 5-10, 12-14, and 16-20 under 35 U.S.C. §103(a) as being unpatentable over Sartain et al. (U.S. Patent No. 5,914,712) in view of Lewis et al. (U.S. Patent No. 4,852,154). The Examiner rejected claim 11 under 35 U.S.C. §103(a) as being unpatentable over Sartain et al. in view of Lewis et al. and further in view of Hendricks et al (U.S. Patent No. 6,160,989). The Examiner rejected claim 15 under 35 U.S.C. §103(a) as being unpatentable over Sartain et al. in view of Lewis et al. and further in view of Stoel et al (U.S. Patent No. 5,905,942). Each of these rejections is respectfully traversed.

The Applicants have distinguished the claimed subject matter from the teachings of Sartain et al. and Hendricks et al. As the Applicants believe independent claim 1 to now recite allowable subject matter, claim 11, which depends therefrom, would also be allowable.

The Applicants have distinguished the subject matter of independent claim 14 from the teachings of Sartain et al. and Lewis et al. and Stoel. As the Applicants believe independent claim 14 to now recite allowable subject matter, claim 15, which depends therefrom, would also be allowable.

Each of the independent claims now includes the limitation that each event is associated with its own called number, and the ordered event is automatically associated with the caller's account number, obtained from using the calling number. The claims are now believed to be in allowable form. The cited art taken in any combination does not render obvious the claims as they are now presented. None of the references teach or suggest the ordering of a cable television event using a switch and an automated voice response application in combination with the use of the calling number and the called number to identify the caller and the event and provide the event to the caller, while automatically using the called number to associate the ordered event with the caller's account number for future billing. Sartain is dependent on a separate identification number. In particular, in column 3, lines 13-15, Sartain explains, "Each available video has an associated identification number to facilitate the automatic ordering of these videos[.]" As further explained in column 3, lines 1-7, Sartain requires a calling subscriber to call a particular number (e.g., a "1-800" number) as well as provide a particular video identification number in order to select a desired video program. Sartain only recognizes the use of multiple "1-800" and/or "1-900" numbers to distinguish different selection types (e.g., to distinguish between regular selecting, the selection of multiple videos at one time, promotional activities, the ordering of video-related products, etc.) As a result, in each type of video selection, a video identification

number is still required to identify a particular video. Sartain does not teach or suggest that each video is associated with its own called number. The Examiner apparently agrees that Sartain does not teach that each event is associated with its own called number to identify an event for ordering. Furthermore, Sartain fails to teach that the calling number is used to automatically associate the ordered event with the caller's account number for billing purposes. The claims now contain this limitation. Lewis is a cable television based system, but Lewis does not teach a voice response application in association with the switch. A voice response application has been and continues to be a part of each independent claim. With Lewis it does not appear that the caller is able to interact with a voice response system, but instead is left to hope that he dialed the right number. Lewis and the other cited references fail to teach the automatic association of the account number by use of the calling number, via the automatic voice response unit, for billing purposes. Moreover, a combination of the teachings of Sartain and Lewis still would not produce the present invention for the reasons stated above.

App. No. 09/631,076  
Amendment mailed July 3, 2006  
Re: Office Action mailed May 2, 2006

### **CONCLUSION**

In view of the foregoing amendment and accompanying remarks, the Applicants respectfully submit that the present application is properly in condition for allowance and may be passed to issuance upon payment of the appropriate fees.

Telephone inquiry to the undersigned in order to clarify or otherwise expedite prosecution of the subject application is respectfully encouraged.

Respectfully submitted,

Date: July 3, 2006

By: /Jeffrey S. Standley/  
Jeffrey S. Standley  
Registration No. 34,021  
Standley Law Group LLP  
495 Metro Place South  
Suite 210  
Dublin, OH 43017-5319  
Telephone: (614) 792-5555  
Facsimile: (614) 792-5536